IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 201 OF 2007.

Sharad Gajanan Ambole and others. ... Appellants.

Versus.

Smt.Gauramma Kumarappa Madar & ors. ... Respondents.

Shri Murthy with Shri V.H.Tayade for the Appellants.

Shri R.A.Thorat for the Respondents Nos.2 to 9.

CORAM : ABHAY S.OKA, J.

DATED : 24th January, 2007.

P.C.:

1. Heard the learned Advocates appearing for the parties. Shri Thorat, the learned Advocate appearing for the Respondents nos.2 to 9 states that the said Respondents desire to withdraw Chamber Summons No.331 of 2006 with liberty to file a fresh Chamber Summons for the same relief which is claimed in the said Chamber Summons in accordance with law.

2. The request made by Shri Thorat is reasonable and the same deserves to be granted.

3. Hence the Appeal is disposed of by the following order:

i) The 2nd to 9th Respondents are permitted to withdraw the Chamber Summons No.331 of 2006 with liberty to take out fresh Chamber Summons for the same relief in

accordance with law.

ii) In view of this order, the inmpugned order dated 8th December 2006 does not survive and the same is set aside.

iii) It is made clear that all contentions of the parties on merits are expressly kept open.

iv) Fresh Chamber Summons if taken out by the concerned Respondents shall be decided by the trial Court in accordance with law.

v) There will be no order as to costs of this Appeal.

Judge.